IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 11129 of 2007(Y)

PETITIONER:

SUSAMMA, W/O.RAJAN MATHEW,
NIDHI ENTERPRISES, THEKKEVEEDU,
JOEL BHAVAN, PUTHOOR P.O., KOTTARAKKARA,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL.

RESPONDENT:

THE STATE BANK OF TRAVANCORE,
PUTHOOR BRANCH, KOTTARAKKARA, KOLLAM DISTRICT,
REPRESENTED BY ITS AUTHORISED OFFICER,
CHIEF MANAGER (ADVANCES), STATE BANK OF TRAVANCORE
REGION V., ZONAL OFFICE, TRIVANDRUM.

BY ADV. SRI. M. PATHROSE MATHAI (SR),
ADV. SRI. SAJI VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 11129 OF 2007-Y

JUDGMENT

The petitioner's husband availed a loan from the respondent Bank. It is in default. So, the Bank issued Ext.P6 notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, to her. The petitioner submits, she has already filed Ext.P7 reply to the said notice, which has to be considered by the Bank under Section 13(3A) of the said Act. The learned standing counsel for the Bank submitted that Ext.P7 is not, so far, received by the Bank.

2. The challenge against Ext.P6 is untenable, in view of the decision of the Apex Court in **Mardia Chemicals Ltd. v. Union of India** [(2004)4 SCC 311]. Needless to say, if any representation is received pursuant to Ext.P6, the respondent will consider and pass a speaking order on it under Section 13(3A) of the said Act. If the petitioner is aggrieved by the action taken under Section 13(4), she has got a remedy before the D.R.T under

Section 17 of the said Act.

The Writ Petition is disposed of as above.

9th April, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/